

REMARKS

Claims 1-34 are all the claims pending in the application.

I. Claim Rejections – 35 U.S.C. § 112

The Examiner rejected claims 12-15 under 35 U.S.C. § 112, second paragraph, as reciting the limitation “said voice cue” without proper antecedent basis in the claims.

The Applicant herein amends claims 12-15 to eliminate “voice” and simply read “cue,” as the claim element is described in claim 1. The Applicant therefore believes that this amendment will resolve the rejection under 35 U.S.C. § 112, second paragraph.

II. Claim Rejections – 35 U.S.C. § 102

The Examiner rejected claims 1-34 under 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. Patent No. 6,721,401 to Lee et al, hereinafter “Lee.”

The Applicant respectfully disagrees, and submits that Lee fails to teach each and every element of the claims, as is required for a rejection under 35 U.S.C. § 102(e).

Claim 1

Specifically, Lee does not teach “a cue unit for sending *via said voice session* to said remote unit *a cue decodable as an instruction to start a data session*,” as recited in claim 1. (emphasis added).

The primary distinction between Lee and claim 1 is that Lee requires use of an IP message to send data, whereas the invention embodied by claim 1 sends the cue “via said voice session,” i.e. through the voice line. Specifically, the invention of claim 1 encodes the cue using DTMF signals, which can be implemented on any voice network. *Specification*, p. 7. In contrast, Lee requires IP support as well as voice support, which requires a complex network operation to link the voice and data sessions. One embodiment of the invention, where the cue is sent via the voice session, requires only sending a DTMF tone sequence from a server to the handset. Therefore, Lee cannot be said to disclose a cue sent “via said voice session,” as stated in claim 1.

Furthermore, Lee does not disclose the use of a “cue” that is “decodable as an instruction to start a data session,” as stated in claim 1. In the embodiment of claim 1, the cue is sent from a server to the handset in order to start a data session. In contrast, Lee only discloses where a handset user sends a connection request to the server, and the server responds by sending a text-based menu interface to the calling phone. *Lee*, col. 6, lines 5-7 and col. 7, lines 4-6. Lee does not disclose what, if any, mechanism is used to initiate a data session from the server to the handset. Therefore, the Applicant further submits that Lee fails to disclose the use of a cue that is decodable as an instruction to start a data session.

Finally, the Applicant submits that Lee is limited to a basic concept of choosing a phone number from a list of phone numbers sent in a text message or other IP communication. In contrast, the invention of claim 1 is directed broadly to any application that can be accessed on the Internet through a URL, and is not limited to requesting and obtaining a list of phone

numbers. For at least the reasons stated above, the Applicant asserts that the rejection of claim 1 under 35 U.S.C. § 102(c) should be withdrawn.

Claims 2-16

The Applicant refers the Examiner to the points presented above with regard to claim 1, and submits that claims 2-16 are allowable at least based on their dependency to claim 1.

Claims 17 and 20

The Applicant refers the Examiner to the points presented above with regard to claim 1, and further submits that Lee does not disclose each and every element of claims 17 and 20. Specifically, claim 17 recites the element of a decoder for decoding “a received voice command” which, as previously discussed, is not present in Lee. Further, claim 20 recites the step of issuing a data session launch command “via said voice session,” which is again not disclosed in Lee. As Lee does not use the voice network to transmit data, it cannot be held that Lee discloses each and every element of claims 17 and 20, as required for a rejection under 35 U.S.C. § 102.

Claims 18-19 and 21-34

The Applicant refers the Examiner to the points presented above with regard to claim 1, and submits that claims 18-19 and 21-34 are allowable at least based on their dependency to claim 1.

III. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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